

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:23CR469
	)	
Plaintiff,	)	JUDGE PAMELA A. BARKER
	)	
v.	)	
	)	
CLARENCE PAYNE,	)	<u>JOINT PROPOSED PRELIMINARY</u>
	)	<u>STATEMENT</u>
Defendant.	)	

The United States of America, by and through its counsel, Carol M. Skutnik, Acting United States Attorney, and Adam Joines and Jennifer King, Assistant United States Attorneys, and James J. McDonnell, Attorney for Defendant Clarence Payne, respectfully submit the following joint proposed preliminary statement in accordance with this Court's Trial Order.

The Defendant, Clarence Payne, has been charged in five counts of an indictment. Count 7 charges the defendant with distribution of a controlled substance (cocaine); Counts 12 and 13 separately charge the defendant with possession with intent to distribute controlled substances (cocaine, heroin, and fentanyl); Counts 10 and 11 separately charge the defendant with being a felon in possession of a firearm; and Count 8 charges the defendant with possessing a firearm in furtherance of a drug trafficking crime. The conduct for which Mr. Payne is charged is alleged to have occurred on or about August 17, 2023, and August 30, 2023, in Cleveland, Ohio.

Specifically, the United States alleges that on August 17, 2023, Defendant Payne knowingly and intentionally distributed to undercover law enforcement a mixture and substance containing a detectable amount of cocaine, and that he aided and abetted the same. The United States further alleges that, on the same date during the cocaine distribution, Defendant Payne

possessed a Springfield Armory pistol while knowing that previously he had been convicted of crimes punishable by more than one year imprisonment. The United States further alleges that, on the same date, Defendant Payne possessed a firearm to further the drug trafficking crime with which he is also charged.

The United States also alleges that, on August 30, 2023, Defendant Payne knowingly and intentionally possessed, in his residence, mixtures and substances containing detectable amounts of cocaine, heroin, and fentanyl, which he intended to distribute. The United States further alleges that, on the same date, Defendant Payne possessed, in his residence, a Springfield Armory pistol while knowing of his prior conviction. The United States further alleges that the firearm in question was manufactured outside of the State of Ohio and therefore traveled in interstate commerce prior to August 17, 2023.

Mr. Payne has entered pleas of Not Guilty to Counts 7, 8, 10, 11, 12, and 13 of the indictment and denies that he had actual or constructive possession of a firearm, ammunition and controlled substances. He also denies that he knowingly possessed with intent to distribute controlled substances or that he distributed controlled substances. He further denies that he possessed a firearm to further any drug trafficking offense. Defendant Payne is presumed not guilty until proof is adduced beyond a reasonable doubt as to each element of each offense charged.

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Respectfully submitted,

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